

Weekly Update

Hon Eugenie Sage, Associate Minister for the Environment

For the week starting 10 February 2020

Environment weekly meeting, Monday 10 February 2.00 – 2.45pm

Attendees: Hon Eugenie Sage, Associate Minister for the Environment

Vicky Robertson, Secretary for the Environment

Sam Buckle, Deputy Secretary Resource Efficiency

Glenn Wigley, Director, Natural and Built System

Shaun Lewis, Director, Investments and Partnerships

Kathy Bass, Manager, Investments and Partnerships

Stephen Goodman, Manager, Investments and Partnerships

	Agenda Item	Lead	Paper / verbal update	Mins
1.	Discuss Weekly Update	Vicky Robertson	Verbal update	10
2.	National Environmental Standard - Tyres	Sam Buckle	Draft Cabinet paper	10
3.	Levy expansion - timeline	Glenn Wigley	Verbal update	10
4.	Basel and Minamata update	Glenn Wigley	Verbal update	10

1. Strategic priorities

1.1. National Direction - upcoming decisions

In the upcoming months there are a number of decisions required by you, the Minister for the Environment and Associate Minister Mahuta, on the development of national direction instruments. These are listed chronologically in the table provided in appendix one.

We have also updated the national direction page on the Ministry website (<https://www.mfe.govt.nz/rma/national-direction/national-direction-instruments>) to provide stakeholders more information on the proposed timing and status of national direction instruments.

2. Updates for noting

2.1. Landfill Levy consultation - update

The consultation period closed on 3 February. We look forward to discussing the themes of the submissions at our meeting with you on Monday 10 February.

As at 4 February we had received 479 submissions as part of the landfill levy consultation. A breakdown is provided in the following table. A small number of submitters have been granted extensions, so a further 10 submissions are expected between 4 and 7 February.

Submitter Type	Totals
Business/ Industry	98
Local Government	38
NGO	19
Environmental NGO	19
Iwi/Hapū	2
Individual	262
Unspecified/ Other	41
TOTAL (all submitter types)	479

More information about consultation activities and submission themes is outlined below. We have had strong interest from a range of sectors within the waste management community.

Late last year we also held four webinars that were well attended (with the construction and demolition sector, business, community groups and WasteMINZ members).

This year we have held three consultation hui – Auckland, Wellington and Christchurch. The Auckland and Wellington hui were organised in collaboration with WasteMINZ and were well attended by their members.

We have also continued to have one to one meetings with specific stakeholders who have a strong interest in the outcomes of the policy decision, including the Waste Industry Forum, Auckland, Wellington and Christchurch Councils as well as other territorial authorities, Business NZ and the Waste Industry Advisory Group.

The general themes coming through are:

- Differential rates between class 1 and other landfill classes may result in increased volumes diverted to classes 2,3 and 4
- Compliance, monitoring and enforcement needs to be ramped up significantly in order to avoid fly tipping and diversion to incorrect landfill classes
- Clear direction on how the additional revenue from the levy will be invested, including looking at the current 50:50 split between local government and the WMF
- Concern that farm dumps may provide another opportunity to avoid paying the levy and result in worse environmental outcomes
- The need for much improved data and clear guidance from the Ministry about what data is needed and how it will be collected
- Collaborating more closely with waste collectors and landfill operators on policy development as they have a lot of knowledge and data that is relevant.

2.2. Feels Good to Refill campaign progress report

On Thursday 30 January, the Ministry for the Environment released a campaign to encourage New Zealanders to choose to refill, and keep single-use plastic drink bottles out of the environment - #FeelsGoodToRefill, pai ana ki te whakakī. Prime Minister's Chief Science Advisor Professor Juliet Gerrard's Rethinking Plastics report in December 2019 called for more behaviour change and educational campaigns on single-use plastics.

The main video of the campaign uses humour and a sports backdrop, which, alongside the campaign partnership with Basketball NZ, aims to put environmental action in the hands of many New Zealanders for whom sports is so important.

The campaign has been created alongside a range of partners to address access and convenience issues for the public, not just mindset. Key partners include councils, Para Kore, Z Energy who are opening their doors to refilling drink bottles and Refill NZ, who have put refill stations on a map.

Wai Auckland have reported that additional refill stations have been signed up in Auckland as a result of the campaign.

The campaign uses a mix of online and in-store promotions.

As of 4.30pm on Tuesday 4 February the total reach (number of people who have seen the material) on social media across all MfE channels and posts was 235,801 and total impressions (number of times content appeared in social media feeds) were 322, 571. The main video had a reach of 86,939 and views of 79,588. Engagement has been high and comments have been positive.

The partners also posted some of the content including the video itself and they report similar high and positive engagement.

Partners have expressed an interest in a longer relationship and an extension of the campaign.

We will report an update on numbers and next steps in coming weeks.

2.3. Sustainability Strategy – waste to landfill goal

The Ministry has a goal in our Sustainability Strategy to halve our waste to landfill. We have had a comprehensive education and behavioural change campaign in place since 2018 that has seen significant reductions.

In 2018/19 the Ministry worked with the Ministry of Building Innovation and Employment (MBIE) on the Government Procurement Rules to ensure that low emission, low waste procurement featured strongly in not just the broader outcomes but also the actual rules and the Supplier Code of Conduct.

We started a sustainable procurement programme last year systematically going through all our office supplies and looking for more environmentally friendly alternatives. We have a detailed inventory of environmentally preferable options that we are now analysing and final decisions will be made in coming weeks.

In this we try to balance fair trade, environmental certifications (such as Environmental Choice New Zealand), low emissions and low waste to find the best option. A number of lower waste options are also significantly cheaper. We intend to share this with other agencies (as we have with our waste auditing guidelines and calculation sheets and other resources and insights)

We have also provided MBIE (and a number of other agencies) with case studies/guidance on how we have reduced our catering waste and other waste to landfill.

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3. Briefing notes

10 February –13 March

Reference number and title	Lead agency	What this briefing covers	Date due to your office
2020-B-06363 Recommended next steps on proposed priority products and priority product guidelines	MfE	This briefing will offer recommended next steps in response to public submissions on proposed priority products and priority product guidelines, including proposed amendments to wording and a timetable for Cabinet consideration of proposed Gazettals. The Minister received a draft submissions summary in December 2019 and this follows on from that.	11 February
2020-B-06380 Agreeing to the 2020 EPA Board appointment process and seeking nominations	MfE	This briefing seeks your agreement to the 2020 EPA Board appointments process and provides advice and materials on seeking candidate nominations for one vacancy on the Board.	11 February
2019-B-06343 Public consultation on regulatory measures to ratify the Minamata Convention on Mercury	MfE	Seeking Cabinet approval to consult on regulatory measures to ratify the Minamata Convention on Mercury.	12 February
2020-B-06355 Public consultation on options to implement amendments to the Basel Convention to better manage the trade in plastic waste	MfE	This paper seeks Cabinet approval to consult on options to implement amendments to the Basel Convention to better manage the trade in plastic waste.	12 February
2020-B-06402 Community Environment Fund – funding for contestable rounds, Environment Centres, Environment Hubs Aotearoa and Te Awara Lakes Trust	MfE	s 9(2)(f)(iv)	17 February
2020-B-06363 Recommended next steps on proposed priority products and priority product guidelines	MfE	This briefing will offer recommended next steps in response to public submissions on proposed priority products and priority product guidelines, including proposed amendments to wording and a timetable for Cabinet consideration of proposed Gazettals.	24 February

4. Cabinet material

10 February – 13 March

Paper number and name	Committee	What this paper covers	Our suggested timeframes
2019-C-06400 National Environmental Standard for Storage of Tyres	ENV	Seeks Cabinet approval to release discussion document for a second round of public consultation because of significant changes to the original proposal.	Due to your office: 30 January Due to lodge: 13 February Due to Committee: 20 February Due to Cabinet: 24 February
2019-C-06344 Public consultation on regulatory measures to ratify the Minamata Convention on Mercury	DEV	This Cabinet paper seeks Cabinet approval to undertake public consultation on regulatory measures to ratify the Minamata Convention on Mercury.	Due to your office: 12 February Due to lodge: 27 February Due to Committee: 4 March Due to Cabinet: 9 March
2019-C-06356 Public consultation on options to implement amendments to the Basel Convention to better manage the trade in plastic waste	DEV	This paper seeks Cabinet approval to implement the Basel Convention amendments, and undertake public consultation on options to implement the Basel decision to better manage the trade in plastic waste.	Due to your office: 12 February Due to lodge: 27 February Due to Committee: 4 March Due to Cabinet: 9 March

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5. Cabinet material for proactive release (30 working days after confirmation by Cabinet)

Paper title and number	What this paper covers	Date confirmed by Cabinet	Date due to your office	Date due for proactive release	Date published
2019-C-05776 Consultation on increasing and expanding the landfill levy	Seeks approval to release a public consultation document which sets out proposals for increasing the rate and expanding the coverage of the waste disposal levy under the Waste Minimisation Act 2008.	18 November	TBC	23 January 2020	
2019-C-05889 Vulnerable Landfills	Vulnerable landfill - risks from climate change.	18 November	TBC	23 January 2020	
Overseas Travel Report		25 November	5 February	30 January 2020	

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6. Cabinet material we have been consulted on

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
Airport Authorities (West Auckland Airport Company Limited) Order 2020	MoT	LEG 11 February	These papers proposes to confer airport authority status by Order in Council under the Airport Authorities Act 1966 to Auckland Transport and West Auckland (Parakai) Airport. This will also enable the airport company to become a network utility operator under the Resource Management Act 1991, which enables the authority to apply to become a requiring authority and thereby seek designations to protect land and airspace.	MfE is comfortable with the proposals and does not have any additional comment on these papers. It is worth noting that Auckland Transport is already deemed requiring authority under the Local Government (Auckland Council) Act 2009.
Refreshed monitoring approach of Te Puni Kōkiri	TPK	MCR TBC	This paper reports on the implementation of the refreshed monitoring approach of Te Puni Kōkiri.	The Ministry supports a monitoring approach that increases transparency in state sector performance for Māori. We agree the state sector must draw on evidence of what works for Māori and whānau, and at the same time be prepared to innovate, and partner with Māori.
Substantial Alterations: Amendments to Earthquake-prone Buildings Regulations	MBIE	LEG TBC	This paper proposes to change the definition of a 'substantial' alteration to an earthquake prone building, to add a minimum dollar value of \$150,000, as the previous definition (25% of the building's dollar value) had a disproportionate impact on provincial and small towns with low value properties.	MfE is comfortable with the proposal and had no comments on this paper.
Consultation on discussion document for Crown Minerals Act review and Minerals and Petroleum Strategy	MBIE	DEV TBC	<u>Marine risk & liability</u> : policy development for decommissioning offshore oil and gas installations is out of scope. MBIE intends this to be a separate programme. Mining policies are inconsistent for offshore and onshore areas of conservation value. MBIE has not addressed this issue or indicated that it will be reviewing permit processes for benthic protection	MfE broadly supports the strategy and discussion document. We consider that the review scope should include: <ul style="list-style-type: none"> residual liability for offshore oil and infrastructure mining restrictions in benthic protection areas Greater liability for longer term cost, clean up and

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
			<p>areas.</p> <p><u>Onshore risk & liability</u>: the discussion document does not test policy settings for the long term liability for abandoned onshore wells.</p>	<p>prosecution of future sites should be placed with industry rather than relying on the taxpayer-funded contaminated sites remediation fund.</p> <p>We have largely been providing technical advice to MBIE on compliance and enforcement issues such as setting penalties, court functions and other regulatory mechanisms. Engagement with MBIE is ongoing.</p>
New form for determination applications under new building emergency management powers, and updated form to modernise current determination applications	MBIE	LEG TBC	The Building Amendment Act 2019 will implement a new system to improve the management of buildings that are damaged or at risk of damage after an emergency event. This paper seeks authorisation to give effect to policy decisions made in that Act regarding applications for determinations, and also makes minor and technical updates to the Building (Forms) Regulations 2004.	MfE is comfortable with the proposal and had no comments on this paper.
Report back on proactive release of Cabinet material policy	SSC	GOV TBC	The paper notes that the policy is still embedding, but already producing results with regard to the number of papers released. § 9(2)(f)(iv)	MfE supports the paper and has been involved in cross agency discussions on the proposed reporting regime.

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Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
New Zealand's financial security regime for offshore installations- Proposed amendments to Marine Protection Rules	MoT	DEV TBC	This noting paper reports back to Cabinet on the outcomes of public consultation on proposed amendments to Marine Protection Rules Part 102 and 131. The changes strengthen the offshore financial security regime for offshore installations which includes increasing the maximum limit of insurance to \$1.2 billion and introducing a new scaled insurance framework with costs proportionate to the risk posed.	MfE broadly supports the changes that have been made since consultation in April. s 9(2)(g)(i)
Building Consent Exemptions in Schedule 1 of the Building Act 2004	MBIE	DEV TBC	This paper proposes amendments to Schedule 1 of the Building Act 2004 to include 12 additional exemptions for minor and low risk building work from the Building Consent process. The exemptions include short span bridges, carports, single storey detached pole sheds and hay barns, solar array panels, veranda, awnings, single storey detached buildings, pipe support structures and flexible water bladders. Guidance to TA's would also be updated.	MfE is comfortable with this paper and has provided comments to the MBIE.
Data and Statistics Legislation: Paper 1 – Overview of policy decisions Paper 2 - Official statistics system Paper 3 – Research and Analysis Paper 4 – Obligations and sanctions	Statistics NZ	GOV TBC	New data and statistics legislation will: <ul style="list-style-type: none"> • modernise roles and responsibilities for the Minister and Government Statistician • recognise the Māori-Crown relationship and what this means for Māori data and statistics • acknowledge the role and responsibilities other agencies play in collecting and sharing data for production of official statistics • recognise the variety of data sources for official statistics (surveys, administrative data, other data sources) • enable Stats NZ to continue sharing data collected for official statistics with other government agencies for specific purposes (eg, joint collections) • expand provisions that enable data access for research and analysis (eg, reflecting tikanga 	The Ministry is generally comfortable with this paper and provided comments to StatsNZ. We are discussing with StatsNZ the operational implications proposed changes might have for data reuse (eg, for Environmental Reporting or our policy work) and continuing the strength of the independence of the Government Statistician.

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
			framework developed by Stats NZ in partnership with Māori) <ul style="list-style-type: none"> • modernise obligations and sanctions with new lower level enforcement tools and sanctions for less serious breaches. 	

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7. Official Information Act requests

7.1. Ministerial

Request	Correspondent	Reference	At your office	Due to send
<p>I am requesting all correspondence between you, your office including all political and departmental officials, and the Ministry for the Environment, regarding Waste and Recycling Management, Policy, and Thumbs Up New Zealand in 2019. I also seek all correspondence between you and your Green Party Colleagues on these subjects.</p> <p>Correspondence includes: Cabinet Papers, WhatsApp messages, Texts/ iMessages, Facebook Messenger, Emails, Transcripts of Phone Calls, Transcripts of Conversations, Letters, Briefings, Advisories, Aide Memoirs, Sound Recordings, Meeting Notes</p>	s 9(2)(a)	20-O-00041	7 February	13 February

7.2. Departmental

Request	Correspondent	Reference	Due to send
<p>The names of all companies currently operating in New Zealand that export items from New Zealand overseas for recycling.</p> <p>The locations where New Zealand's recycling is exported to, including names of the companies that export recycling to those locations and names of the companies that receive and process those recycling materials.</p> <p>Copies of any reports, documents, memoranda, briefings, correspondence, legal advice or emails, both internal and external regarding recycling products exported from New Zealand in the past 12 months.</p> <p>Any information held about containers of contaminated recycling returned to New Zealand from overseas in the past 12 months, including the origin, the number of containers, volume, the contents, details about the level of contamination, the name of the company implicated and any information about actions the ministry has taken against them.</p> <p>An account of all the actions the ministry has taken in the past 12 months to ensure New Zealand's actions are consistent with the Basel Convention.</p> <p>The information sought in this request is to be used as part of a report by the New Zealand Herald.</p>	s 9(2)(a) NZ Herald	19-D-02600	10 February

Appendix one

Item 1.1 National Direction - upcoming decisions

Instrument	Current status	Anticipated advice date	Responsible Minister/s & Portfolio/s
NES for Outdoor Storage of Tyres	Cabinet approval being sought for public consultation on new thresholds	s 9(2)(f)(iv)	Sage / Parker Associate Environment / Environment
NES Sources of Human Drinking Water - proposed amendments	Policy options being considered		Parker Environment
NES for Air Quality - proposed amendments	Seeking approval to consult amendments		Mahuta Associate Environment
NPS for Urban Development (replacing NPS Urban Development Capacity)	Analysing submissions/ Technical Advisory Panel meetings		Parker / Twyford Environment / Urban Development
NPS for Historic Heritage	Policy documents being developed		Parker / Ardern Environment / Culture and Heritage
NPS for Highly Productive Land	Analysing submissions		Parker / O'Connor Environment / Agriculture
Essential Freshwater (amended NPS for Freshwater/ new NES/ new Stock Exclusion regulations)	Analysing submissions/ Expert Advisory Panel meetings.		Parker Environment

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Weekly Update

Hon Eugenie Sage, Associate Minister for the Environment

For the week starting 17 February 2020

Environment weekly meeting 2.00pm – 2.45pm, Monday 17 February

Attendees: Hon Eugenie Sage, Associate Minister for the Environment

Sam Buckle, Deputy Secretary Resource Efficiency

Glenn Wigley, Director, Natural and Built System

Shaun Lewis, Director, Investments and Partnerships

Kathy Bass, Manager, Investments and Partnerships

Stephen Goodman, Manager, Investments and Partnerships

Amanda Baldwin, Manager, Natural and Built System

Hannah Singer, Senior Analyst, Natural and Built System

	Agenda Item	Lead	Paper / verbal update	Mins
1.	Discuss Weekly Update	Sam Buckle	Verbal update	10
2.	Basel Convention papers	Glenn Wigley	Papers and verbal	10
3.	Golden Bay Cement briefing	Shaun Lewis	Papers and verbal	5
4.	Ouvea premix update	Shaun Lewis	Verbal	5
5.	Waste to energy guidelines	Shaun Lewis	Papers and verbal	5

1. Actions and decisions

1.1. Update on Litter Projects Working Group

Late last year, the Ministry was requested by your office to provide an update on the Litter Projects Working Group prior to their next meeting. The Litter Projects Working Group (LPWG) is scheduled to meet on 24 February 2020.

This is the first quarterly meeting planned for the year and will be attended by Ministry representatives and representatives of the three litter projects currently funded by the Waste Minimisation Fund (WMF). The three organisations are Sustainable Coastlines, Keep New Zealand Beautiful and the Packaging Forum. These projects represent a funding commitment of up to \$7.4 million over three years. The Ministry chairs the working group as an “active observer”, to ensure that the New Zealand public receives clear and consistent messages about litter in New Zealand.

The agenda for the meeting includes an update from the projects on their progress and on agreed actions from the last meeting, such as the mapping of project activities to understand their geographical spread and developing a consistent litter education framework for schools engaged by the projects. The Ministry will provide an update on the priority work programme and discuss how the sustainability of litter activities can be ensured post current WMF funding.

The discussion on long-term sustainability will include a korero on a proposal by the Packaging Forum to create an umbrella organisation to carry out litter-related work. If successful, this could assist in aligning the different views between these organisations and create efficiencies in the delivery of litter related WMF projects. The Ministry will seek to promote consensus and understand the proposed organisational and governance structure. The Ministry will indicate we expect the 2020 funding round to encourage community-centred initiatives.

The organisations, noted above, want to engage with you through the LPWG platform and have sought your interest in attending a LPWG meeting. The Ministry has proposed to organise the next LPWG meeting in early April 2020. The Ministry will brief you on the outcomes of the February meeting through a weekly update in March 2020.

Would you like to attend the next meeting of the Litter Projects Working Group?

Yes/No

2. Updates for noting

2.1. Fortnightly update on the New Zealand Container Return Scheme (NZ CRS) – 27 January 7 February 2020

You will find the project’s fortnightly report attached to this weekly update (Attachment 1).

The project is progressing well and milestone two (of seven) has recently been submitted in alignment with delivery of the Tranche 1 research. The research reporting has been divided into four tranches.

Tranche 1 includes the introduction, the New Zealand context (drivers, waste, recycling, etc.) and the project assessment methodology. Tranche 1 subject matter is relatively straight forward and will be available for the Technical Advisory Group (TAG) and government agency review 19 Feb.

Tranche 2, due to be released 11 March to the Scheme Design Working Group, will include the scope of containers, collections points, and considerations for the roles of retailers and consumers in the scheme. Tranche 2 also includes data from the company ‘GS1’ that will update the total number of beverage containers sold in New Zealand (last estimate is 2.23billion annually).

The co-design project team is now fully assembled, including contracting of resources to undertake modelling and research requirements to inform the process. Price Waterhouse Coopers has been appointed to undertake the NZ CRS financial modelling.

The TAG meeting dates have been confirmed and an updated reporting schedule has been provided as attachment 2 to this weekly update (note: this supersedes the previous version submitted to you in January).

2.2. Compliance monitoring and enforcement programme update

As you are aware, under the Waste Minimisation Act 2008 (the Act), landfills that accept household waste must register as a disposal facility. The landfills are then subject to the waste disposal levy of \$10 per tonne of waste disposed of at the facility. The levy is imposed on landfills through the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009. Waste Disposal Facility Operators (DFOs) pay the levy based on calculated tonnage of net waste.

The Act requires levied DFOs to comply with regulatory requirements for keeping and providing records and for submitting waste returns in a timely manner.

DFOs are required to submit monthly waste returns through the Ministry's Online Waste Levy System each month. (Although landfills that receive less than 1000 tonnes of net waste each year may apply to submit an annual return rather than a monthly return.)

The Ministry is responsible for monitoring compliance in relation to the DFOs legislative obligations to ensure that all DFO's accepting municipal waste are paying the right amount of levy. The Ministry's Compliance, Monitoring and Enforcement team is currently initiating the compliance programme for 2020. This will involve:

- engaging audits of disposal facilities that are prioritised on risk
- a series of internally-conducted compliance reviews of disposal facilities.

This work will allow us to build an up to date understanding of the compliance landscape in relation to the levy, which is timely considering proposals for levy expansion.

You will shortly receive a briefing detailing our programme of work more fully, which we will discuss with you.

2.3. Environmental Protection Authority (EPA) Board appointment – seeking nominations for one new appointment

We understand that you would like us to proceed with finding a successor to Nicki Crauford on the EPA Board so the replacement can be ready to start on 1 July 2020, after Ms Crauford completes her third term on 30 June. To ensure decisions are made in time we will employ the same appointments process used in 2019 to appoint Greg Ryder and Mary-Anne Macleod [2018-B 05077 refers].

You and Minister Parker will soon receive letters from us that you can sign and send to your parliamentary colleagues and Caucus to seek nominees. The Ministry will use our internal procedures and engage with our various partners to advertise for suitable candidates.

We will brief you more substantially during the shortlist phase.

2.4. Update on Provincial Growth Fund (PGF) waste allocation

You have asked for an update on the \$40 million PGF waste allocation. The Ministry of Building Innovation and Employment (MBIE) is currently progressing the approach agreed by Ministers at the meeting on 5 December 2019.

This entails a three-level approach:

- investments in essential sector-wide infrastructure (level one)
- investments in 2-3 large-scale plastics processing facilities (level two)
- investments in commercial projects (level three).

MBIE is aiming to send the initial suite of proposals for funding to the Regional Economic Development ministers group in late March 2020.

This is expected to include a first tranche of level one proposals for investment in optical sorters at several material recovery facilities across New Zealand. These investments would increase the quantity and quality of plastics available for recycling. Level two proposals are still being developed and include two possible proposals for plastics processing facilities in the upper and lower North Island.

Further details on the funding proposals will be forthcoming and we will have the opportunity to provide advice. Level three and further level one proposals (optical sorters) will be considered beyond March.

2.5. Feels Good to Refill campaign

The Feels Good to Refill campaign has been paused due to water shortages in parts of the country. This campaign will be revisited once water levels improve, and you will be provided an update at that time.

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3. Briefing notes

17 February – 20 March

Reference number and title	Lead agency	What this briefing covers	Date due to your office
2020-B-06380 Nomination letters for EPA Board appointments	MfE	This briefing provides you with letters to Party leaders and Caucus seeking candidate nominations for one vacancy on the EPA Board.	18 February
2020-B-06448 Rethinking Plastics Response - Shifting away from hard to recycle plastic packaging	MfE	This briefing provides you with an update on the work in response to the Rethinking Plastics report including options for shifting away from PVC and Polystyrene food and beverage packaging.	21 February
2020-B-06402 Community Environment Fund – funding for contestable rounds, Environment Centres, Environment Hubs Aotearoa and Te Awara Lakes Trust	MfE	s 9(2)(f)(iv)	24 February
2020-B-06363 Recommended next steps on proposed priority products and priority product guidelines	MfE	This briefing will offer recommended next steps in response to public submissions on proposed priority products and priority product guidelines, including proposed amendments to wording and a timetable for Cabinet consideration of proposed Gazettals.	24 February
2020-B-06440 Introducing the 2020 Compliance, Monitoring and Enforcement work programme for the Waste Disposal Levy	MfE	This briefing informs you of the proposed waste disposal levy compliance, monitoring and enforcement work programme, which is being given renewed priority in 2020.	26 February
2020-B-06381 The Letter of Expectations to the Environmental Protection Authority 2020/21	MfE	This briefing provides you with the draft Letter of Expectations to the Environmental Protection Authority 2020/21.	5 March

4. Cabinet material

17 February –20 March

Paper number and name	Committee	What this paper covers	Our suggested timeframes
2019-C-06400 National Environmental Standard for Storage of Tyres	ENV	Seeks Cabinet approval to release discussion document for a second round of public consultation because of significant changes to the original proposal.	Due to Committee: 20 February Due to Cabinet 24 February
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2019-C-05889 Vulnerable Landfills	Vulnerable landfill - risks from climate change.	18 November		Deferred till further decisions have been made	
Overseas Travel Report		25 November	5 February	30 January 2020	

6. Cabinet material we have been consulted on

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
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Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
Crown's approach to decommissioning the Tui Oil Field in response to operator Tamarind liquidation	MBIE	DEV 19 February	<p>This DEV paper seeks to appropriate \$173.3 million to begin decommissioning the Tui oil field as a result of the Tamarind liquidation. It also outlines the legal options available to the Crown.</p> <p><i>* Note: Paper published at https://www.mbie.govt.nz/dmsdocument/11505-the-crowns-approach-to-decommissioning-the-tui-oil-field-in-response-to-operator-tamarind-liquidation-proactiverelease-pdf -actual figure was \$154.641 million</i></p>	<p>MfE support MBIE exploring all legal avenues to hold Tamarind and its directors accountable for the costs of decommissioning.</p> <p>The paper sets out a plan to begin decommissioning. MBIE has addressed previous MfE concerns by noting that the marine consent process has the potential to extend their 2021/2022 timeline to begin decommissioning activities. MBIE has also confirmed that marine consenting costs to agencies are included in their costing.</p>
Refreshed monitoring approach of Te Puni Kōkiri	TPK	MCR TBC	This paper reports on the implementation of the refreshed monitoring approach of Te Puni Kōkiri.	<p>The Ministry supports a monitoring approach that increases transparency in state sector performance for Māori.</p> <p>We agree the state sector must draw on evidence of what works for Māori and whānau, and at the same time be prepared to innovate, and partner with Māori.</p>
Substantial Alterations: Amendments to Earthquake-prone Buildings Regulations	MBIE	LEG TBC	This paper proposes to change the definition of a 'substantial' alteration to an earthquake prone building, to add a minimum dollar value of \$150,000, as the previous definition (25% of the building's dollar value) had a disproportionate impact on provincial and small towns with low value properties.	MfE is comfortable with the proposal and had no comments on this paper.
Consultation on discussion document for Crown Minerals Act review and Minerals and Petroleum Strategy	MBIE	DEV TBC	<p>Marine risk & liability: policy development for decommissioning offshore oil and gas installations is out of scope. MBIE intends this to be a separate programme.</p> <p>Mining policies are inconsistent for offshore and onshore areas of conservation value. MBIE has not addressed this issue or indicated that it will be reviewing permit processes for benthic protection areas.</p> <p>Onshore risk & liability: the discussion document</p>	<p>MfE broadly supports the strategy and discussion document. We consider that the review scope should include:</p> <ul style="list-style-type: none"> residual liability for offshore oil and infrastructure mining restrictions in benthic protection areas <p>Greater liability for longer term cost, clean up and prosecution of future sites should be placed with industry rather than relying on the taxpayer-funded</p>

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
			does not test policy settings for the long term liability for abandoned onshore wells.	contaminated sites remediation fund. We have largely been providing technical advice to MBIE on compliance and enforcement issues such as setting penalties, court functions and other regulatory mechanisms. Engagement with MBIE is ongoing.
New form for determination applications under new building emergency management powers, and updated form to modernise current determination applications	MBIE	LEG TBC	The Building Amendment Act 2019 will implement a new system to improve the management of buildings that are damaged or at risk of damage after an emergency event. This paper seeks authorisation to give effect to policy decisions made in that Act regarding applications for determinations, and also makes minor and technical updates to the Building (Forms) Regulations 2004.	MfE is comfortable with the proposal and had no comments on this paper.
Report back on proactive release of Cabinet material policy	SSC	GOV TBC	The paper notes that the policy is still embedding, but already producing results with regard to the number of papers released. § 9(2)(f)(iv)	MfE supports the paper and has been involved in cross agency discussions on the proposed reporting regime.

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Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
New Zealand's financial security regime for offshore installations- Proposed amendments to Marine Protection Rules	MoT	DEV TBC	This noting paper reports back to Cabinet on the outcomes of public consultation on proposed amendments to Marine Protection Rules Part 102 and 131. The changes strengthen the offshore financial security regime for offshore installations which includes increasing the maximum limit of insurance to \$1.2 billion and introducing a new scaled insurance framework with costs proportionate to the risk posed.	MfE broadly supports the changes that have been made since consultation in April s 9(2)(g)(i)
Building Consent Exemptions in Schedule 1 of the Building Act 2004	MBIE	DEV TBC	This paper proposes amendments to Schedule 1 of the Building Act 2004 to include 12 additional exemptions for minor and low risk building work from the Building Consent process. The exemptions include short span bridges, carports, single storey detached pole sheds and hay barns, solar array panels, veranda, awnings, single storey detached buildings, pipe support structures and flexible water bladders. Guidance to TA's would also be updated.	MfE is comfortable with this paper and has provided comments to the MBIE.
Data and Statistics Legislation: Paper 1 – Overview of policy decisions Paper 2 - Official statistics system Paper 3 – Research and Analysis Paper 4 – Obligations and sanctions	Statistics NZ	GOV TBC	New data and statistics legislation will: <ul style="list-style-type: none"> • modernise roles and responsibilities for the Minister and Government Statistician • recognise the Māori-Crown relationship and what this means for Māori data and statistics • acknowledge the role and responsibilities other agencies play in collecting and sharing data for production of official statistics • recognise the variety of data sources for official statistics (surveys, administrative data, other data sources) • enable Stats NZ to continue sharing data collected for official statistics with other government agencies for specific purposes (eg, joint collections) 	The Ministry is generally comfortable with this paper and provided comments to StatsNZ. We are discussing with StatsNZ the operational implications proposed changes might have for data reuse (eg, for Environmental Reporting or our policy work) and continuing the strength of the independence of the Government Statistician.

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
			<ul style="list-style-type: none"> expand provisions that enable data access for research and analysis (eg, reflecting tikanga framework developed by Stats NZ in partnership with Māori) modernise obligations and sanctions with new lower level enforcement tools and sanctions for less serious breaches. 	

7. Official Information Act requests

7.1. Departmental

Request	Correspondent	Reference	Due to send
<p>I'm aware the MfE is looking at some funding to remediate a historical Christchurch Landfill, and was hoping for some more info (the topic has become a bit of a hot button here as the cap on a former landfill on Council land is eroding and needs remediation to stop waste going into the estuary).</p> <p>I do not know which historical Christchurch landfill or landfills specifically the MfE is looking at funding out of the CSRF. Which ones are being considered?</p> <p>How much funding would it get? Who would it go to, and what is it for specifically?</p> <p>What are the risks the landfill or landfills pose?</p> <p>Is there anything else you want to add, or think I have missed?</p> <p>I know it has been discussed in a briefing sent to Minister Parker on November 18, if that is helpful.</p> <p>I'm seeking a response by the close of play today</p> <p>Could I please request that briefing plus any other documents on the same topic under the OIA?</p>	s 9(2) (a)	19-D-02771	10 March

Attachment 1

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the Official Information Act 1982



Container Return Scheme – Technical Advisory Group Meeting Schedule

	Milestone	Date
s 9(2)(f)(iv), s 9(2)(i)		

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the Official Information Act 1982

s 9(2)(f)(iv)



Weekly Update

Hon Eugenie Sage, Associate Minister for the Environment

For the week starting 24 February 2020

There is no meeting scheduled this week

The next meeting will be on Monday 2 March

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the Official Information Act 1982

1. Updates for noting

1.1. Australia and New Zealand Plastics Pact

The Australian Packaging Covenant Organisation (APCO) has approached the Ministry about joining or funding an Australia and New Zealand Plastics Pact (the Pact). APCO describes the pact as a world-first, region-wide programme that will accelerate the transition to a circular economy for plastics in our region. The Pact aims to bring together businesses, government and NGOs from across Australia, New Zealand and all of the Pacific Island nations to commit to eliminating the impact of plastic on our environment. APCO aims to announce the Pact on 3 March, in the context of an Australian Plastics Summit to be held in Canberra.

The Ministry is supportive in general of industry-led efforts to shift to a circular economy. However, at this point in time, we have not agreed to be involved in the Pact, given lack of clarity around what is proposed. We have spoken with our colleagues at the Australian Department of the Environment and Energy, which is declining to get involved for the same reasons as ours, and is inviting APCO to develop the proposal in more detail.

1.2. Update on the Tui oilfield and Tamarind Taranaki

The Ministry of Business, Innovation and Employment has been considering what is needed to decommission the Tui oil field on behalf of Tamarind Taranaki. A Cabinet paper was taken to the Cabinet Economic Development Committee this week seeking an appropriation to meet the costs of decommissioning (\$171.7m). This paper also assesses the Crown's legal options to recover the costs of decommissioning.

We will keep you updated on any progress made towards the decommissioning of Tui oil field. This will first involve removing remaining oil (oil offtake) from the vessel Umuroa that is attached to wells at the oil field. The receivers Price Waterhouse Coopers (PwC), and BW Offshore (owners of the Umuroa and contracted to Tamarind Taranaki) are currently in dispute over the oil offtake. PwC is taking High Court action to compel cooperation from BW Offshore.

BW Offshore have applied to the Environmental Protection Authority (EPA) for a ruling on disconnecting the flow lines from the Umuroa and setting them down on the seabed. EPA will assess this over the coming weeks. If the EPA determines that the adverse effect of this activity to be more than minor, BW Offshore will have to apply for a marine consent, which will take additional time.

Regulators are investigating the powers available to them should BW Offshore attempt to leave without meeting all of their regulatory requirements.

1.3. Fibre recycling update

The Ministry is hearing that the market for kerbside fibre has become increasingly challenging. Some councils are telling the Ministry that their options are becoming limited. They must either pay for the market to take the recovered material (instead of receiving payment), or landfill recovered mixed fibre that has a low/no value.

Fibre can be up to 40% of the material collected at kerbside. For some councils this could present a challenge to the overall economics of their current kerbside and material recovery facility systems. Stockpiling fibre is also challenging. In addition to ongoing costs of storage, in some areas stockpiles may be nearing or breaching resource consent requirements for stockpile size. Stock piling can also become a fire risk or, if wet, can limit future recycling options.

Both Auckland and Christchurch have reported substantial financial bail outs for their recyclers in 2019. The situation has subsequently deteriorated with international markets continuing to decline, including recent challenges with the Indonesian market reducing or potentially removing another export avenue. While our existing work programme will help

in the medium/long term, we are considering if more immediate (short term) responses are needed.

The Ministry has convened a workshop with the six main metropolitan Councils (Auckland, Hamilton, Wellington, Christchurch, Dunedin and Invercargill), the Provincial Development Unit and the Ministry for Primary Industries on Thursday 20 February. Key industry players will also be dialling in to provide their perspective on the current situation, and any new initiatives planned or undertaken to improve the quality/marketability of New Zealand's recovered fibre. There will be an update after this workshop.

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the Official Information Act 1982

2. Briefing notes

24 February – 27 March

Reference number and title	Lead agency	What this briefing covers	Date due to your office
2020-B-06402 Community Environment Fund – funding for contestable rounds, Environment Centres, Environment Hubs Aotearoa and Te Awara Lakes Trust	MfE	s 9(2)(f)(iv)	24 February
2020-B-06363 Recommended next steps on proposed priority products and priority product guidelines	MfE	This briefing will offer recommended next steps in response to public submissions on proposed priority products and priority product guidelines including proposed amendments to wording and a timetable for Cabinet consideration of proposed Gazettals.	24 February
2020-B-06440 Introducing the 2020 Compliance, Monitoring and Enforcement work programme for the Waste Disposal Levy	MfE	This briefing informs you of the proposed waste disposal levy compliance, monitoring and enforcement work programme, which is being given renewed priority in 2020.	26 February
2020-B-06381 The Letter of Expectations to the Environmental Protection Authority 2020/21	MfE	This briefing provides you with the draft Letter of Expectations to the Environmental Protection Authority 2020/21.	5 March

3. Cabinet material

24 February – 27 March

Paper number and name	Committee	What this paper covers	Our suggested timeframes
2019-C-06400 National Environmental Standard for Storage of Tyres	ENV	Seeks Cabinet approval to release discussion document for a second round of public consultation because of significant changes to the original proposal.	Due to Cabinet 24 February
2019-C-06344 Public consultation on regulatory measures to ratify the Minamata Convention on Mercury	DEV	This Cabinet paper seeks Cabinet approval to undertake public consultation on regulatory measures to ratify the Minamata Convention on Mercury.	Due to lodge: 27 February Due to Committee: 4 March Due to Cabinet: 9 March
2019-C-06356 Public consultation on options to implement amendments to the Basel Convention to better manage the trade in plastic waste	DEV	This paper seeks Cabinet approval to implement the Basel Convention amendments, and undertake public consultation on options to implement the Basel decision to better manage the trade in plastic waste.	Due to lodge: 27 February Due to Committee: 4 March Due to Cabinet: 9 March

4. Cabinet material for proactive release (30 working days after confirmation by Cabinet)

Paper title and number	What this paper covers	Date confirmed by Cabinet	Date due to your office	Date due for proactive release	Date published
2019-C-05776 Consultation on increasing and expanding the landfill levy	Seeks approval to release a public consultation document which sets out proposals for increasing the rate and expanding the coverage of the waste disposal levy under the Waste Minimisation Act 2008.	18 November	TBC	23 January 2020	
2019-C-05889 Vulnerable Landfills	Vulnerable landfill - risks from climate change.	18 November		Deferred till further decisions have been made	
Overseas Travel Report		25 November	5 February	30 January 2020	

5. Cabinet material we have been consulted on

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
Crown's approach to decommissioning the Tui Oil Field in response to operator Tamarind liquidation	MBIE	DEV TBC	<p>This DEV paper seeks to appropriate \$171.1 million to begin decommissioning the Tui oil field as a result of the Tamarind liquidation. It also outlines the legal options available to the Crown.</p> <p><i>* Note: Paper published at https://www.mbie.govt.nz/dmsdocument/11505-the-crowns-approach-to-decommissioning-the-tui-oil-field-in-response-to-operator-tamarind-liquidation-proactiverelease-pdf -actual figure was \$154.641 million</i></p>	<p>MfE support MBIE exploring all legal avenues to hold Tamarind and its directors accountable for the costs of decommissioning.</p> <p>The paper sets out a plan to begin decommissioning. MBIE has addressed previous MfE concerns by noting that the marine consent process has the potential to extend their 2021/2022 timeline to begin decommissioning activities. MBIE has also confirmed that marine consenting costs to agencies are included in their costing.</p>

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